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Attorney for Defendant
CLINTON JAMES SMITH

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,)	No. Cr. S 04-321 MCE
)	
Plaintiff,)	
)	MOTION TO EXONERATE THE BOND;
v.)	ORDER
)	
CLINTON JAMES SMITH,)	
)	
Defendant.)	
)	Judge: Hon. Morrison C. England
)	

The defendant, Clinton James Smith, was arraigned on August 25, 2004 on charges of being a felony in possession of a firearm in violation of 18 U.S.C. § 921(g)(1). He was ordered detained. On September 15, 2004, after a hearing on the defendant's motion to review the detention order, the magistrate ordered Mr. Smith released subject to a \$50,000 secured bond, with certain conditions and under the supervision of Pretrial Services. On September 24, 2004 Mr. Smith's mother, Lynn Schwall, posted \$50,000 cash as security for her son's release. On that same day the magistrate ordered Mr. Smith's release.

On February 22, 2005, Ms. Schwall notified counsel undersigned as well as Pretrial Services Agent Hall that she was no longer willing to

1 secure her son's release. Mr. Smith did not report to pretrial to
2 address the matter. A petition to revoke release was filed on February
3 24, 2005 and a no bail bench warrant was issued.

4 Mr. Smith was subsequently arrested on state charges. He is
5 currently detained at the Sacramento County Jail pending the resolution
6 of his state charges. There is also a federal hold on Mr. Smith. He
7 will be returning to federal court on this case once his state case is
8 resolved.

9 Ms. Schwall has contacted counsel undersigned on numerous
10 occasions requesting that this motion be filed as she no longer wished
11 to secure her son's release and as he is currently in custody.

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13 Dated: July 8, 2005

Respectfully submitted,

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15 QUIN DENVIR
Federal Defender


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17 /s/ Linda C. Harter

18 LINDA C. HARTER
Assistant Federal Defender
Attorney for Defendant
19 CLINTON JAMES SMITH

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21 **O R D E R**

22 The \$50,000 bond in the above captioned case is hereby exonerated.

23 Dated: July 18, 2005

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25 
26 MORRISON C. ENGLAND, JR.
27 UNITED STATES DISTRICT JUDGE
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